

Adopted	Rejected
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COMMITTEE REPORT

YES: 11

NO: 1

MR. SPEAKER:

*Your Committee on Judiciary, to which was referred Senate Bill 54, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 34-6-2-3.3 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2005]: Sec. 3.3. (a) "Advertiser or sponsor",
- 6 for purposes of IC 34-30-21, means a person who for political,
- 7 commercial, educational, benevolent, or charitable purposes:
- 8 (1) donates or contributes money, materials, or products; or
- 9 (2) pays fees to advertise or display trademarks;
- 10 in connection with an event.
- 11 (b) The term does not include a person who exercises primary
- 12 control over an event.
- 13 SECTION 2. IC 34-6-2-44.3 IS ADDED TO THE INDIANA
- 14 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 15 [EFFECTIVE JULY 1, 2005]: Sec. 44.3. "Event", for purposes of
- 16 section 3.3 of this chapter and IC 34-30-21, means:

- 1 **(1) a performance;**
- 2 **(2) a benefit;**
- 3 **(3) a fundraiser;**
- 4 **(4) an auction;**
- 5 **(5) a meal;**
- 6 **(6) a concert;**
- 7 **(7) a sporting event;**
- 8 **(8) a festival;**
- 9 **(9) a parade;**
- 10 **(10) a reception;**
- 11 **(11) a trade show;**
- 12 **(12) a convention;**
- 13 **(13) an educational program; or**
- 14 **(14) another occasion organized by or for a federally**
- 15 **tax-exempt organization."**

16 Page 1, after line 17, begin a new paragraph and insert:

17 "SECTION 4. IC 34-30-21 IS ADDED TO THE INDIANA CODE
18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2005]:

20 **Chapter 21. Events: Immunity of Advertiser or Sponsor**

21 **Sec. 1. This chapter does not grant immunity from civil liability**
22 **to the following:**

- 23 **(1) A person who engages in intentional, willful, wanton, or**
- 24 **reckless behavior.**
- 25 **(2) A person who contractually assumes civil liability in**
- 26 **connection with an event.**
- 27 **(3) A person who fails to exercise reasonable care in**
- 28 **connection with the direction or control of an event.**
- 29 **(4) A person who provides defective materials or products or**
- 30 **fails to exercise reasonable care in providing materials or**
- 31 **products.**

32 **Sec. 2. An advertiser or sponsor of an event is immune from civil**
33 **liability for the acts or omissions of:**

- 34 **(1) the advertiser or sponsor; and**
- 35 **(2) any other person;**
- 36 **in connection with the event.**

37 **Sec. 3. An advertiser or sponsor of an event may not be**
38 **considered to be:**

- 1 **(1) part of a joint venture;**
- 2 **(2) the principal of an agent; or**
- 3 **(3) the employer of an employee;**
- 4 **with regard to a person participating in the event in a capacity**
- 5 **other than that of an advertiser or sponsor."**
- 6 Renumber all SECTIONS consecutively.
 (Reference is to SB 54 as printed February 11, 2005.)

and when so amended that said bill do pass.

Representative Foley